(169)

HIGH COURT OF JUDICATURE AT BILASPUR : CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.

CONTEMPT PETITION NO. 52 OF 2004

Applicant	Dhooram Nahir Aged about 55 years, S/o. Late Shri Ganga Prasad Nahir, Superintendent Engineer Hasdeo Ayakat Development Authority, Bilaspur R/o. C/o. Ram Awatar Singh Behind Police Line, Bouripara, Ambikapur District – Surguja (Chhattisgarh)
	Versus
Contemnor/ Non-Applicant	Chief Engineer/Chairman (namely Shri S.K. Sarkar) Minimata Bango Project Water Resources Department, Bilaspur (Chhattisgarh)

Present : Shri D. Sashidharan, counsel for the applicant.
Dr. N.K. Shukla, Sr. Advocate with Shri Dilip Dubey, counsel for the respondent.

(ORAL ORDER)
(Passed on 12th March, 2007)

This Court in Writ Petition No.656 of 2004 dated 05.04.2004 has passed the following order.

> "Shri Dubey submits that after the meeting of D.P.C., the petitioner was duly promoted and posted as Superintending Engineer vide order dated 01.10.2003, but subsequently he has been reverted to the post of Executive Engineer vide impugned order dated 11.2.2004. Learned counsel for the petitioner further submits that he is still working on the post of Superintending Engineer and the charge has not be taken over. He relied on the decision of the Supreme Court in case of Wasim Beg V. State of Uttar Pradesh reported in AIR 1998 S.C. 1291 (para 20)

> Having considered the facts and circumstances of the case, material on record and as stated by the petitioner that he is being continued on the post till today and the charge has not been taken over, as an interim measure, it is directed that the petitioner may be allowed to continue as such till the next date of hearing."

(2) The petitioner in this contempt petition alleges that inspite of the interim order being communicated to the respondent, he has not permitted him to work on the post of Superintending Engineer and therefore, the respondent has committed an act of contempt and therefore this Court should take cognizance of the same and punish the respondent for his willful and deliberate disobedience of the orders and directions issued by this Court.

(3) Respondent has filed his return before this Court and a brief synopsis. In the return, it is stated that even before the interim order was communicated to the respondent, the respondent had already relieved the petitioner from the post he was holding.

(4) The order passed by this Court is ambiguous and it is stated that if for any reason, the petitioner continues to work on the post of Superintending Engineer this Court by an interim measure directed that he may be allowed to continue to work on the said post.

(5) The respondent on oath stated that even before the order was communicated, he had already relieved the petitioner. If that is so, the interim order granted will not come in the way of the petitioner.

(6) In view of the above, in my opinion, the respondent has not committed any act of contempt by not obeying the orders and directions issued by this Court dated 05.04.2004. Therefore, I cannot take cognizance of this contempt petition. Accordingly, the contempt proceedings are dropped.

(7) The order passed by me will not come in the way of the petitioner taking other grounds which are available to him in the pending writ petition. Ordered accordingly.

(8) Consequently, I.As. No.2563 of 2004 and 3149 of 2004 stand disposed of.

Sd/-
Chief Justice